

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Crl. Rev. No.2080 of 2006
Date of Decision:- 13.03.2007**

Lior Ben Moyal

....Petitioner(s)

through
Mr.Amit Chaudhary, Advocate.

vs.

State of U.T.Chandigarh

....Respondent(s)

through
Mr.Sukant Gupta, Advocate.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J.

This revision petition is directed against the order dated September 30, 2006 passed by the learned Sessions Judge, Chandigarh whereby an application under Section 311 Cr.P.C.moved by him to recall three prosecution witnesses for their further cross-examination, has been dismissed.

The aforesaid relief was sought by the petitioner primarily on the ground that though three prosecution witnesses, namely, Ravi Kant Powar- Investigating Officer, Tilak Raj-eye witness and Dr.Rajinder Singh were cross-examined by his counsel Sh. Rajesh Gumber, however, the counsel was under some alleged depression at that time, therefore, their cross-examination could not be properly conducted and certain questions are required to be asked to those witnesses.

Notice of motion was issued and in response thereto, Mr.

Sukant Gupta, Advocate has put in appearance on behalf of the respondents.

Learned counsel for the parties have been heard.

During the course of hearing, it transpires that the petitioner's main concern is to recall Ravi Kant Powar-the Investigating Officer to whom he wants to put certain additional questions regarding his alleged involvement in a C.B.I. trap case. In my view, the same can be led by the petitioner in his defence evidence, therefore, no ground to recall the said Investigating Officer for further cross-examination is made out.

Similarly, further cross-examination of Constable Tilak Raj- an eye witness of the occurrence, is sought on the plea that additional questions regarding the treatment which the said witness is stated to have taken from the hospital on the day following the alleged occurrence, are required to be asked.

I am of the considered view that even for the aforesaid purpose, Tilak Raj-eye witness need not be recalled for further cross-examination. The record of the hospital, if any, being a public document, can well be got produced by the petitioner in his defence evidence.

With these observations and liberty, no case to interfere in the impugned order is made out.

Dismissed.

March 13, 2007
poonam

(SURYA KANT)
JUDGE